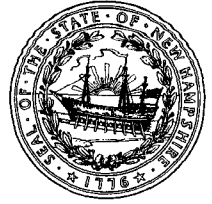




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-028**

April 14, 2006

Little Monadnock Family Trails
54 West Hill Road
Troy, NH 03465

RE: DES Wetlands File #2005-02786 Davis and Parker Roads, Roxbury

Dear Mr. Bohanon:

On February 9, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Roxbury Tax Map as Class VI roads, namely Davis Road and Parker Road (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiencies were documented:

1. A minimum of six non-permitted wetland and surface water impact areas were identified on the property as follows:

Crossing #1 on Parker Road

1. Approximately 400 square feet of rutting and dredging was observed in an adjacent vernal pool.
2. Approximately 45 square feet of wetland was impacted for the installation of a culvert.
3. Approximately 75 square feet of an intermittent stream was dredged at the culvert outlet.

Crossing #2 on Parker Road

1. Approximately 80 square feet of wetland was dredged at the inlet of the culvert. The dredged area had not been stabilized and bare soils were present and eroding into the surface water.
2. Approximately 30 square feet was impacted for the culvert installation.
3. Erosion was present at the culvert outlet resulting in sediment deposition in the wetland. Headwalls around the culvert had not been constructed.

Crossing #3 on Parker Road

1. No crossing device was installed in a perennial stream crossing. Tire tracks were visible in the stream bank. A wooden pallet was also placed in the stream channel at this location.

Crossing #4 on Parker Road

1. Approximately 100 square feet of wetland was dredged to create a pool at the culvert inlet. Soils were unstable and eroding.
2. Approximately 45 square feet was impacted as a result of the culvert installation.
3. Approximately 100 square feet of the wetland at the outlet was dredged.

Crossing #5 on Parker Road

1. This crossing consists of a stream and adjacent vernal pool wetland. A deep pool (approx. 4 feet deep) was dredged at the culvert inlet, resulting in approximately 185 square feet of wetland impact and 15 linear feet of stream bank impact. Headwalls had not been installed.
2. Approximately 45 square feet and 15 linear feet of stream channel had been impacted for the culvert installation.
3. A trench had been dredged at the culvert outlet. The trench impacted approximately 50 square feet.
4. The culvert outlet had not been stabilized and soil was eroding. Approximately 100 square feet of sediment deposition was observed in the downstream wetland/stream.

Crossing #6 on Davis Road

1. Large rocks were placed adjacent to the trail in an attempt to curb off trail traffic. However, ruts were observed in the upstream wetland.
 2. Two trenches, measuring 40 linear feet and 45 linear feet had been dredged in the wetland / stream complex upstream of the culvert. Dredge spoils had been deposited in the wetland. Approximately 300 square feet had been impacted.
 3. The dredge impact was unstable and bare soils were present in the trench.
 4. Approximately 45 square feet had been impacted to install a culvert. The culvert was set above grade at the outlet.
 5. Approximately 60 feet had been dredged at the outlet to construct a pool.
2. In addition, the trail surface was not stabilized in several locations on Parker Road. Significant erosion and sedimentation problems were observed.
3. No erosion controls had been installed.
4. A subsequent review of DES Wetlands Bureau files indicated that no permits were submitted and/or approved for construction of this trail.

In response, you are requested to take the following actions:

1. Immediately cease using all non permitted crossings on the ATV trail.
2. Immediately stabilize all exposed soils by seeding with an appropriate wetland seed mix and mulching with straw.

3. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for stabilizing the crossings and restoring the vernal pools, wetlands and stream channels to their original condition on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of immediate temporary and permanent erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A detailed stream channel restoration plan, drawn to scale, including:
 1. Proposed conditions after reestablishing original grades of the stream channel; and
 2. Methods to accomplish the stream channel restoration under no flow conditions;
- e. A description of the proposed construction sequence and methods for accomplishing restoration of the wetlands and stream channels and an anticipated restoration compliance date. Include a completion date for the restoration activities no later than July 1, 2006;
- f. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports immediately following the restoration and for two successive growing seasons following completion of the restoration project.

4. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

5. Implement the restoration plan only after receiving written approval and as conditioned by DES.

6. By May 1, 2006, submit a Standard Dredge and Fill permit application to install and/or retain any or all permittable crossings. The crossings will be subject to the Best Management Practices for Erosion Control During Trail Maintenance and Construction. The adjacent wetland and stream channel impacts will still need to be restored as indicated in request #3 above.

7. Prior authorization from the Town of Roxbury must be obtained before proceeding with the restoration and permit application. Documentation indicating this authorization must be submitted to the DES Wetlands Bureau along with the proposed restoration plan and permit application.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel shall conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Wetlands Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8452 0206

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Roxbury Conservation Commission
Roxbury Board of Selectmen
USACOE